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DATE: April 11, 2005

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FROM: Timothy E. Levstik

DISPATCHED BY: Molly

Re: Inventor(s): Efsthathiou  
U.S. Application No. 10/684,074

OUR FILE NO.: 79568

TO: Name: Examiner Anthony J. Weier, Group Art Unit 1761  
Company/Firm: USPTO  
City/State/Country: Alexandria, VA  
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MESSAGE:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 10/684,074  
Filed: October 10, 2003  
Applicant(s): Efstathiou  
Title: Frozen Concentrated Liquid Whole  
Egg and Method of Making Same  
Art Unit: 1761  
Examiner: Weier, Anthony J.  
Attorney Docket: 79568  
Customer No.: 22242

Confirmation No. 3054

CERTIFICATE OF FACSIMILE

I hereby certify that this paper is being facsimile transmitted to Examiner Weier at 703.872.9306 at the United States Patent and Trademark Office on the date shown below.

Date

4/11/05 Timothy E. Levstik

Registration No. 30,192

Attorney for Applicant(s)

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APPLICANT'S INTERVIEW SUMMARY

Pursuant to the requirement set forth on the Interview Summary of March 9, 2005, Applicant sets forth his statement of the substance of the interview. Applicant noted that the instant pending application is a divisional of the application which mature into U.S. Patent No. 6,660,321 which has all composition claims. The instant application has all method claims where the pending independent claims are 28, 41, 47, 54 and 58. The art cited and applied in this application (Bain) also was the main reference in the parent application. A discussion of Bain then took place as set forth below. After the discussion the Examiner noted that the amendments to the pending claims appear to overcome Bain.

Bain Does Not Anticipate Or Render The Pending Claims Obvious

Bain does not describe a gentle process to provide a low viscosity concentrated liquid egg. Bain does not describe-

- preheating liquid whole egg prior to concentration;
- a staged heating of eggs where temperature and solids are increasing (see p 6, ln 9-27);
- non-coagulated egg having a particle size as claimed;


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Application No. 10/684,074  
Interview Summary

- a low viscosity concentrated egg as claimed;
- pasteurization of concentrated egg (as opposed to pasteurization of pre-concentrated egg)–  
Bain pasteurized prior to concentration, this would increase viscosity;
- the low microbial counts in the concentrated egg– the composition claims which are the subject of the allowed parent have these limitations;
- turbulent type of flow in Bain is different and would not provide a non-coagulated liquid whole egg concentrate--- the flow rate of described in the instant application is 1.5 to 4.0 gm/min whereas Bain is 220 lbs/hr (see Ex 2) which is the equivalent of 1660 gm/min.; and
- the flow of Bain gives a high viscosity (higher than 5,000 cps - see column 4, line 36). The viscosity in Bain is 200 cps AT 95°F, whereas the claims set forth 5,000 cps at 40°F.

Respectfully submitted,

Fitch Even Tabin & Flannery

  
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Date: 4/11/05

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